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P. O. E.

O/states/53
File No.

Legal Deptt

G **BRANCH**

Subject:—

*Opinions regarding matters
relating to States.*

File No. *O/states/53*

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31/53.

C O N T E N T S

Legal Department File No. O. States /53(G-31)

Sr- No-	R. I. / O. No.	Subject	Pages.
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Opinions regarding matters
relating to states.

1.	G-633/12-10-53	Question regarding revocation of the order write off of the amounts by this Govt. which was passed by the Mंत्री Mandal of the merget State.	1-8-
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Hjr/16/8/
5 Cs.

Ans/
12/4/8 23/8

Copy of Collateral letter issued to the Rulers of
Deccan States (Except Kolhapur).

"In connection with the merger agreement discussed and signed this morning you raised certain points for clarification which is given below. This letter will, therefore, be treated at a part of the merger agreement having the same effect as the agreement itself.

2. Reference to the Ruler in Article II, III and IV include the heirs and successors on the Gadi of the State. This is indeed the significance of the guarantee in Article V which expressly extends to the succession to your personal rights, besides privileges, dignities and titles.

3. The Rulers and their successors on the Gadi will continue to retain their hereditary designations titles and honours to which they were entitled prior to August 15, 1947.

4. The privileges of exemption from the provisions of the same Act and Rules will extend to the Raja and the Rani of the State.

5. With reference to Article No. II, the Government of India trusts that the Ruler will continue to respect his customary and legal obligations to the members of his family in a manner befitting their dignity and status.

6. The accumulated balances which will be transferred along with the State, shall, as far as may be, be spent for the benefit of the territory comprised in the State. The Government of the Bombay Province in which your State will merge, is agreeable to this arrangement.

7. It is intended that members of the public services of each of the merging States will be continued in service on conditions similar to what they were entitled to before the 1st of December 1947, as changed circumstances may permit. Pensions and leave salaries sanctioned by competent authorities in any of the merging States to members of the public services of that State who have, retired or proceeded on leave preparatory to retirement prior to the date of the agreement will also be continued.

8. The other points which were raised at the meeting will be considered by the Government of India and the orders passed thereon will be communicated to you as soon as possible. It is necessary that these points should be considered from an All-India point of view so that uniformity is maintained in respect of the treatment given to all merging States. You will proposed examination will be expedited and will be as sympathetic as possible, regard being had to the great sacrifice which you will be making in merging the state in the adjoining province of Bombay.

With kind regards."

VGP. 14-8-56.

AGREEMENT made this day of 1948 between the GOVERNOR-GENERAL OF INDIA and the RAJA/MAHARAJA of WHEREAS in the immediate interests of the state and its people His Highness the RAJA MAHARAJA OF is desirous that the administration of the State should be integrated as early as possible with that of the Province of Bombay in such manner as the Government of the Dominion of India may think fit.

It is hereby agreed as follows:-

ARTICLE 1

High Highness the RAJA/MAHARAJA of hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 1st day of 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

ARTICLE 2.

High Highness the RAJA-MAHARAJA shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the RAJA-MAHARAJA in four equal instalments in advance at the beginning of each quarter by presenting bill at the State Treasury or at such other treasury as may be ~~appointed by the~~ Dominion Government.

ARTICLE 3.

His Highness the Raja-Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The RAJA-MAHARAJA will furnish to the Dominion Government before the 1st day of 1948 an inventory of all the immovable property accurties and each balances held by him as such private property.

If any disputes arises as to whether any item of property is the private property of the RAJA/MAHARAJA or State property it shall be referred to such officer with judicial experience as the Dominion Government may nominate and he decision of that officer shall be final and binding on both parties.

ARTICLE 4.

The Raja, the Rani, the Rajmata, the Yuvraja and the Yuvrani shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediately, Before the 15th day of August 1947

ARTICLE 5.

The Dominion Government guarantees the succession according to law and custom, to the gadi of the State and to the RAJA'S/MAHARAJA'S personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and RAJA/MAHARAJA of has appended his signature on behalf of himself his heirs and successors.

.....
H.H. the RAJA-MAHARAJA OF

1948

.....
Secretary to the Govern-
ment of India, Ministry
of States.

Submitted.

2. Please see the office note of the C.S.D. on pages 27-28 ante.

3. It appears that the amounts mentioned in column No.1 below were recoverable from the persons mentioned against them but that they were written off by the Mantri Mandal of Aundh State a few days before the merger of the State with Bombay State:-

<u>Amount</u>	<u>against whom outstanding</u>
(1) Rs. 11,623- 1-0	Mahalkari, Gundal
(2) Rs. 421- 3-3	Mahalkari, Kharsundi
(3) Rs. 376-13-0	Jaep Account
(4) Rs. 400- 0-0	Shri D.G.Kulkarni the then Political Secretary (now working in L.D.)
(5) Rs. 3,307- 0-6	Shrimant Rajasaheb

Total Rs. 16,128- 1-9

Out of the total of Rs. 16,128-1-9 an amount of Rs. 376-13-0 has so far been recovered. Rajasaheb has refused to pay the amount outstanding against him. The attorney to Rajasaheb has pointed out that according to the merger agreement signed between the Governments, the decision of the former State cabinet is binding on the successor Govt. and as such the write off of the amounts by the then Mantri Mandal cannot be revoked. The Civil Supplies Department thinks that the view taken by the attorney to Rajasaheb is correct. However L.D. is requested to advise in the matter.

In the collateral letter addressed to the Rulers of Deccan States as well as in the Draft agreement with the Ruler there is no provision that Government cannot question the orders issued by the Rulers before the 1st April 1948. However the orders for writing off the amounts recoverable from the Ruler and other officers of the State would be binding on the successor Government as they do not impose any liability on the successor Government. The Civil Supplies Deptt. has stated that it would be difficult to prove that the amounts were written off by fraud, collusion or mistake. The write off by the Mantri Mandal cannot now be revoked.

Sd/

Additional Secretary to Government.

E. A. Addl. Secy.

U.R. to C.S.D. No. G- 633, dated the 12th October 1953.

VGP. 14-8-56.